



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/371,212	08/10/99	KATZ	245/099

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LOS ANGELES CA 90071

LM12/0310

EXAMINER

WOO, S

ART UNIT	PAPER NUMBER
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2743

DATE MAILED: 03/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/371,212

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit

2743



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 17-50 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-50 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17-50 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to provide support for "conducting commerce... through an on-line system, at least one buyer accessing the system via an on-line computer service" as recited in claims 17 and 35. According to Webopedia, an online encyclopedia of computer technology, an online service is a "business that provides its subscribers with a wide variety of data transmitted over telecommunications lines... In addition, the service can connect users with an almost unlimited number of third-party information providers. Subscribers can get up-to-date stock quotes, news stories hot off the wires, articles from many magazines and journals, in fact, almost any information that has been put in electronic form... One online service that defies classification is the Internet." Applicant's system, as described in the specification, is directed to a system which schedules and facilitates videoconferences between vendors and buyers over telephone lines. Nowhere does the Applicant describe conducting commerce through an on-line system via an on-line computer service or access to an unlimited number of third party information providers.

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Applicant's specification further fails to provide support for "the buyer registering with the system on-line..." as recited in claim 17.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Shavit et al. (USPN 4,799,156, hereinafter "Shavit").

Shavit discloses a method for conducting commerce between at least one buyer (buyers 82) and one or more sellers (suppliers 84 and distributors 83) through an on-line system (50; col. 5, lines 16-24, 51-65; col. 6, line 19 - col. 7, line 22) in which authorized subscribers (col. 9, line 43 - col. 10, line 50; col. 18, lines 23-33), with whom communication can take place via electronic mail (col. 6, line 62 - col. 7, line 5; col. 18, lines 40-50), can submit a request for a desired good or service including user initiated price modifications (col. 13, lines 10-47; col. 15, lines 61+; col. 25, lines 28-37). A bid is then transmitted to the buyer in response (col. 13, lines 17-21; col. 25, lines 37-50).

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

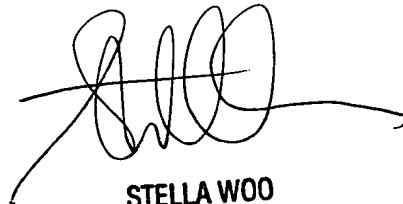
or faxed to:

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(703) 308-6306 and (703) 308-6296.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:30 a.m. until 2:00 p.m. on Monday, Wednesday, Friday, and from 6:30 a.m. until 10:30 a.m. on Tuesday and Thursday.

A handwritten signature in black ink, appearing to be 'Stella Woo', with a stylized, cursive script.

**STELLA WOO
PRIMARY EXAMINER**

March 9, 2000